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REPORT OF THE SECRETARY-GENERAL PURSUANT TO PARAGRAPH 11 OF RESOLUTION 986 (1995)

I. INTRODUCTION

1. The present report is submitted to the Security Council pursuant to paragraph 11 of resolution 986 (1995), by which the Council requested the Secretary-General to report to the Council 90 days after the date of entry into force of paragraph 1 of the resolution. On the basis of observation by United Nations personnel in Iraq and in consultation with the Government of Iraq, this report was expected to provide information on whether Iraq had ensured the equitable distribution of supplies for essential civilian needs, in accordance with paragraph 8 (a) of resolution 986 (1995). As at 3 March 1997, no consignment of humanitarian goods authorized under resolution 986 (1995) had reached Iraq. This report will, consequently, focus on the status of preparations for the observation process and for the implementation of activities in the three northern governorates. The report also covers information on the sale of Iraqi petroleum and petroleum products; the purchase of supplies for essential civilian needs; and the status of funds received and disbursed from the escrow account established under paragraph 7 of resolution 986 (1995).

2. On 9 December 1996, my predecessor informed the Security Council, pursuant to paragraph 13 of the resolution, that all the actions necessary to ensure the effective implementation of that resolution had been completed and that the Secretariat stood ready to proceed with its implementation (S/1996/1015). Accordingly, the resolution came into force at 0001 Eastern Standard Time on 10 December 1996. Loading of oil started at Mina al-Bakr on 15 December 1996. The first proceeds from the sale of oil were deposited in the United Nations Iraq account (escrow account), in the Banque nationale de Paris, on 15 January 1997. As at 3 March 1997, some 52.3 million barrels of oil, worth an estimated total of $1.07 billion, had been approved for sale within the first 90 days of the coming into force of the resolution.

3. Within the Secretariat of the United Nations, there has been extensive interdepartmental coordination to ensure that the exceptionally complex requirements of the resolution are met as effectively as possible. In order to strengthen coordination among United Nations entities involved, I have re-established the Steering Committee for the implementation of resolution

986 (1995), under the chairmanship of the Under-Secretary-General for Humanitarian Affairs. On 28 February 1997, I appointed Mr. Staffan de Mistura as United Nations Humanitarian Coordinator in Iraq to succeed Mr. Gualtiero Fulcheri, who concluded his assignment on 24 February 1997.

II. SALE OF PETROLEUM AND PETROLEUM PRODUCTS

4. The work of both the oil overseers and the monitors has proceeded smoothly. During the period covered by this report, the overseers have advised the Security Council Committee established by resolution 661 (1990) on the pricing mechanisms for sales of petroleum and contract modifications submitted by Iraq and on other pertinent questions related to the import of petroleum originating in Iraq under resolution 986 (1995). In addition to performing other functions assigned to them pursuant to the procedures approved by the Committee on 8 August 1996, the overseers have worked closely with the independent oil monitors (Saybolt). As at 3 March 1997, a total of 14 monitors had been deployed to observe oil loadings and transfers: four at Mina al-Bakr oil terminal in Iraq, four at Ceyhan oil terminal in Turkey and six at the metering station near Zakho on the Kirkuk-Yumurtalik oil pipeline. The oil overseers have reviewed a total of 38 contracts, 35 of which have been approved. Owing to the sharp decline in oil prices in February 1997, spot contracts based on the approved pricing mechanisms were concluded by Iraq with the intention of realizing the 90-day revenue objective of $1.07 billion (including the proceeds to cover the pipeline transportation fee).

5. The total quantity of oil approved for export under those contracts corresponds to approximately 52.3 million barrels for the first 90 days at an estimated value of $1.07 billion. Forty-three loadings, totalling 44.7 million barrels, with an estimated value of $907.6 million, have been completed. About 66 per cent of the liftings have been made at Ceyhan in Turkey. If current market prices remain unchanged and the lifting programme is fulfilled, total revenue generated should be within the range of the 90-day objective of $1.07 billion, including the pipeline fee. The overseers are confident that, in the remainder of the 180-day period, Iraq would be able to export sufficient oil to generate the sum specified in paragraph 1 of resolution 986 (1995). In accordance with the procedures adopted by the Security Council Committee, the overseers report to it, at least once a week, on contracts scrutinized, the cumulative quantity and the approximate value of oil authorized for export.

III. PURCHASE AND CONFIRMATION OF ARRIVAL OF HUMANITARIAN SUPPLIES

6. As at 3 March 1997, a total of 267 applications for the export of humanitarian supplies to Iraq had been received by the Secretariat of the Security Council Committee. Thirty-seven of these have been submitted to the Committee for approval under the "no objection" procedure: 19 are for foodstuffs, 13 for soap/detergent and 5 for health supplies. As at 3 March 1997, a total of 11 applications have been approved. The secretariat of the Committee screens applications for humanitarian supplies and processes them in the order in which they are received. In accordance with the procedures of the Committee, applications are submitted to the Committee immediately upon

receipt of confirmation from the Controller of the availability of funds. Pending the full deployment of the observers, the Department of Humanitarian Affairs has been requested to inform the Committee that a sufficient number of observers are available to cover deliveries. Applications submitted to date have been mostly for the food and health sectors. In accordance with resolution 1051 (1996), the secretariat of the Committee and the United Nations Special Commission have coordinated procedures to scrutinize items submitted for approval which may have potential dual-use capability. As at 3 March 1997, the full complement of 32 independent inspection agents (Lloyd's Register) had been deployed to confirm the arrival of authorized goods at the agreed entry points: 10 inspectors at Umm Qasr, 11 at Zakho on the Turkish border and 11 at Trebil on the Jordanian border.

7. The Committee has convened a number of informal meetings at expert level with a view to expediting the processing of applications presented to it, and has agreed to free funds allocated to applications which have been placed on hold or blocked so that those funds may be made available for further applications which follow in sequence. Applications are also now forwarded to members of the Committee for pre-screening prior to their official circulation under the "no objection" procedure. The Government of Iraq has requested the Committee to give priority to those applications for the purchase of specific items which are needed to reach Iraq at the earliest. The Committee is currently reviewing that request.

8. The first letters of credit for the supply of humanitarian goods were issued on 14 February 1997. The work on letters of credit by Banque nationale de Paris has proceeded without any major difficulty. In some cases, however, suppliers have delayed the shipment of goods in order to amend letters of credit. Some of the requested amendments have been for valid business purposes, others have either been inconsistent with the memorandum of understanding between the United Nations and the Government of Iraq of 20 May 1996 (S/1996/356) or have been unnecessary. In order to minimize delays in shipments due to requests for changes in the letters of credit, suppliers will be requested to exercise restraint in seeking such amendments. A sample letter of credit will be sent to potential suppliers so that they can seek clarifications before the applications are submitted to the Committee.

IV. UNITED NATIONS IRAQ ACCOUNT

9. The first proceeds of oil sales were deposited into the United Nations Iraq account (escrow account) on 15 January 1997. As at 3 March 1997, the United Nations Treasury had processed letters of credit for approximately $1 billion worth of petroleum and petroleum products, and a total of $625,596,347.69 has been paid into the Iraq account by Banque nationale de Paris. These funds have been distributed as follows:

(a) $322.6 million has been allotted for the purchase of humanitarian supplies by the Government of Iraq, as specified in paragraph 8 (a) of resolution 986 (1995);

(b) $79.1 million has been allotted for the purchase of humanitarian supplies to be distributed in the three northern governorates by the United Nations, as specified in paragraph 8 (b) of resolution 986 (1995);

(c) $182.6 million has been transferred directly to the United Nations Compensation Fund, as specified in paragraph 8 (c) of resolution 986 (1995). Of this amount, $145.9 million has been allotted for the payment of the first instalment of "A" and "C" claims ($144.0 million) and for the operating expenses of the Compensation Commission ($1.9 million);

(d) $13.4 million has been allotted for the operational and administrative expenses of the United Nations associated with the implementation of the resolution, as specified in paragraph 8 (d) of resolution 986 (1995). Of this amount, $12.7 million has been allotted to the Department of Humanitarian Affairs and the United Nations agencies, $144,000 has been allotted for costs incurred by the independent oil experts (Saybolt), and $593,100 has been allocated for other administrative costs;

(e) $4.9 million has been transferred to the Special Commission for its current operating costs, as specified in paragraph 8 (e) of resolution 986 (1995);

(f) $6.1 million has been allocated to the escrow account established under resolutions 706 (1991) and 712 (1991) for the payments envisaged under paragraph 6 of resolution 778 (1992), as specified in paragraph 8 (g) of resolution 986 (1995);

(g) Pursuant to paragraphs 8 (f) and 9, $16.9 million has been allotted for other expenditures approved by the Security Council Committee as being reasonable and necessary for the sale of oil.

10. Pursuant to paragraph 7 of resolution 986 (1995), in which the Secretary-General was requested to appoint independent and certified public accountants to audit the United Nations Iraq account, my predecessor, in June 1996, requested the United Nations Board of Auditors to audit the account and related transactions. The Board of Auditors will commence work in April 1997.

V. OBSERVATION MECHANISM

11. In December 1996, a mission was undertaken by the United Nations Secretariat to assess the administrative and logistics requirements of the Office of the Humanitarian Coordinator in Iraq for the implementation of resolution 986 (1995). The mission recommended the strengthening of the Office, including the appointment of an internal auditor and a legal adviser. These recommendations are being implemented.

12. As outlined in the interim report of the Secretary-General (S/1996/978), the United Nations observation mechanism in Iraq will comprise three tiers of separate but complementary observers from the United Nations agencies and the Department of Humanitarian Affairs. The sectoral observers from the United Nations agencies will be responsible, at the national level, for observing the distribution of commodities imported under the resolution in regard to their

sectors. They will also provide analysis and assessment as appropriate on the effectiveness and equitability of the distribution systems relating to their sectors and on the adequacy of supplies. The geographical observation unit in the Office of the Humanitarian Coordinator will collect and consolidate all relevant information concerning the delivery, storage and distribution of commodities at governorate and district levels as required. A methodology is being developed to help assess the equity and adequacy of distribution of commodities as well as services provided. The multidisciplinary observation unit comprises international experts in the areas of food logistics, public health, pharmaceuticals, hospital equipment, water and sanitation, agricultural inputs and machinery, animal health, plant protection, education and electricity. Its principal functions are to increase the range of expertise available to the observation mechanism in Iraq, to maintain a tracking system for all supplies imported under resolution 986 (1995) and to report its analyses, conclusions and recommendations directly to the Department of Humanitarian Affairs. The overall responsibility for the observation process will rest with the Department and its observation and analysis unit will review all reports received from the Office of the Humanitarian Coordinator and the multidisciplinary observation unit.

VI. PRE-OBSERVATION AND IMPLEMENTATION ACTIVITIES

13. In accordance with its obligations under resolution 986 (1995) and the memorandum of understanding, the Government of Iraq has taken a number of measures to facilitate the work of the observers. It has reaffirmed its commitment under the memorandum of understanding to guarantee to the United Nations personnel unrestricted freedom of movement in connection with the performance of their functions, and has authorized the use of Habbaniya airport for international staff deployed under resolution 986 (1995). The Government of Iraq has also agreed to the establishment of appropriate communications systems by the United Nations. Pursuant to paragraph 16 of resolution 986 (1995) and paragraph 44 of the memorandum of understanding, the Office of the Humanitarian Coordinator and United Nations agencies are working with the Iraqi authorities to obtain a range of official baseline data essential to the work of the observation process. This information will assist the observers in tracking supplies imported under the resolution and facilitate reporting on the efficiency, equitability and adequacy of those supplies.

14. As part of the preparatory measures taken by the United Nations in Iraq, the Humanitarian Coordinator established an Inter-Agency Technical Working Group, chaired by the United Nations Children's Fund (UNICEF), to prepare six specific studies on: (a) the implementation plan, North Iraq; (b) logistical arrangements; (c) observation, reporting and assessment for central and southern Iraq; (d) personnel, administrative and financial set-up; (e) communications systems; and (f) information dissemination. These reports have helped to establish initial criteria and guidelines for the effective implementation of resolution 986 (1995).

15. The Department of Humanitarian Affairs has designed a training programme for observers. This programme, which has commenced, includes familiarization visits to government distribution facilities, and will cover the humanitarian situation in each sector, the functioning of national and local distribution

networks, the interaction needed between observers and local authorities, and a variety of related issues. Guidelines have been developed to clarify the scope of observation activity and define the observers' reporting obligations. Geographical observers are being organized into teams equipped with a basic range of experience and skills to cover each governorate.

16. A database has been designed to facilitate the work of all components of the observation process. In addition to tracking systems developed by individual United Nations agencies, a unified tracking system has been designed to identify the status and location of any given shipment as required. It will function under the responsibility of the multidisciplinary observation unit, which will, for this purpose, draw on reports from all components of the observation mechanism. The United Nations agencies, the Office of the Humanitarian Coordinator and the Department of Humanitarian Affairs have established preliminary observation criteria and reporting formats for the effectiveness, equitability and adequacy of supplies distributed under the resolution. A reporting system has been designed to ensure regular updates on the status of authorized supplies received, stored and distributed throughout Iraq.

17. As specified in the interim report of the Secretary-General (S/1996/978), 151 United Nations observers are to be deployed: 76 by the Department of Humanitarian Affairs and 75 by United Nations agencies. As at 3 March 1997, a total of 56 have been deployed by the Department and 28 by United Nations agencies. It is expected that by 15 March these numbers will have risen to 76 and 49, respectively. The main constraint on the deployment of observers, particularly by the United Nations agencies, has been the shortage of funds in the relevant escrow account for operational and administrative expenses.

18. The United Nations agencies involved in the implementation of the resolution have taken a range of measures to prepare for observing the distribution of supplies imported under the resolution for central and southern Iraq. The World Food Programme (WFP) is responsible for observing the storage and distribution of foodstuffs, and has established a tracking system to follow the movement and distribution of these goods. A WFP technical mission has designed a survey system to measure the effects of food distribution on the nutritional status of families, particularly those from vulnerable groups. The system will measure changes in overall household food security and coping strategies, taking into consideration data furnished by the Food and Agriculture Organization of the United Nations (FAO) on agricultural production and markets. FAO is responsible for observing the storage and equitable distribution of agricultural imports, including plant protection inputs, agricultural equipment and veterinary supplies.

19. The United Nations Children's Fund is responsible for observing and assessing the distribution of supplies in respect of water and sanitation, nutritional surveillance and immunization programmes. It has completed preparatory activities relating to the Multiple Indicator Cluster Survey in all governorates. An existing computerized tracking system for the water and sanitation sector has been adapted to follow the distribution and utilization of supplies for all designated water and sewage-treatment plants. The United Nations Educational, Scientific and Cultural Organization (UNESCO) is responsible for observing the distribution of supplies for the education sector

and in this regard will also work in conjunction with UNICEF. The United Nations Development Programme (UNDP) is responsible for observing the distribution and use of electricity generation/transmission equipment imported under the resolution. It is currently discussing with the relevant government authorities its requirement for detailed baseline data to support the observation process. UNDP and the Department for Development Support and Management Services have completed work on initial observation criteria. Preparatory work by the World Health Organization (WHO) has focused on the procurement, storage and distribution systems for drugs and medical supplies. It has developed an initial methodology for observation and reporting, including the development of software for tracking supplies. Fifty-nine pharmacists have been trained to use the system, which is being installed in warehouses at both central and governorate levels.

Pre-implementation activity in the northern governorates

20. In consultation with local authorities, FAO has prioritized and finalized lists of agricultural inputs. The distribution plan, criteria for identifying beneficiaries and proposed distribution mechanisms have been reviewed and refined. Local authorities and the farmers union will participate fully in distributing agricultural inputs. FAO has established an observation system, including pre- and post-monitoring and spot-checks, which will be carried out jointly with local authorities. WFP has undertaken a population survey in conjunction with local authorities and has taken the necessary steps to ensure effective food distribution arrangements. The Government of Iraq has assigned warehouses in Mosul and Kirkuk to WFP for the storage of foodstuffs to be distributed in the northern governorates; these facilities are now under WFP administration. In collaboration with WHO, WFP and UNESCO, UNICEF is responsible for a range of activities within the health, nutrition, education and water and sanitation sectors. It has developed a computerized mapping programme in the northern governorates to identify all settlements, their characteristics and access to basic services. UNICEF has undertaken a risk-mapping exercise for water and sanitation services to define priority areas where problems are most acute. It has also undertaken a survey of primary schools in order to provide a more accurate assessment of sectoral needs and priorities.

21. WHO is responsible for distribution of medicine and medical equipment. UNESCO is responsible for implementing school rehabilitation and refurbishment schemes. Surveys of the most needy schools are close to completion. In due course, these surveys will be extended to all schools. UNDP and the Department for Development Support and Management Services have prioritized lists of equipment needed in the electricity sector. The first consignment of electrical equipment is not expected before the end of June 1997 because of the long lead time for procurement in this sector, involving extensive technical exchanges with suppliers of spare parts, some of which need to be manufactured to order. The United Nations Centre for Human Settlements (Habitat) undertook a mission which designed an implementation plan for the shelter and resettlement programme. In late January 1997, the Department of Humanitarian Affairs sent a technical mission to assess the requirement for mine-clearing activities in the northern governorates and an implementation plan has been finalized.

22. Since it has been determined that the procurement of food supplies for the three northern governorates may be undertaken in the most efficient and cost-effective way through the bulk purchase of similar supplies by the Government of Iraq, it has been decided to purchase such supplies under the bulk purchase agreement with the Government of Iraq, as foreseen in paragraph 3 of annex I to the memorandum of understanding. Other materials and supplies are being procured directly by the United Nations agencies. The related guidelines for submission of applications to the Security Council Committee have been provided to the United Nations agencies. As at 3 March 1997 seven applications have been submitted through the Department of Humanitarian Affairs, of which two have been approved. Funds are released to the agencies as soon as applications are approved by the Committee.

VII. OBSERVATIONS

23. Council members will be aware that the operation in Iraq is a highly complex and complicated undertaking in the light of the arrangements set out in resolution 986 (1995). The full ramifications of these arrangements, specifically the time lag between the initial flow of oil and the actual delivery of foodstuffs, are only now becoming clear. For instance, the first proceeds from the sale of petroleum and petroleum products in the amount of $68.8 million were received in the United Nations Iraq account only on 15 January 1997, more than one month after the activation of the resolution. Then, it was not until 14 February 1997 that the first letters of credit for the purchase of humanitarian goods were issued. While these time lags are in keeping with commercial practice, the timing of the receipt of funds as well as the staggered payment schedule have a direct impact on the implementation of the Inter-Agency Humanitarian Programme, including on the deployment of staff and the arrival of food shipments. Under these circumstances, the distribution of supplies envisaged in the distribution plan could not commence before March 1997.

24. Nevertheless, I have had strong concerns about the pace at which the provisions of resolution 986 (1995) are being implemented. I have directed that a number of steps be taken both within the Secretariat and in the Security Council Committee to look for innovative and flexible approaches to overcome the constraints that the Programme has encountered. Pursuant to paragraph 12 of the resolution, the Committee has developed expedited procedures to implement the arrangements required by the resolution. While the Committee will be reporting directly to the Council on the implementation of those arrangements, I should like to acknowledge these latest measures taken by the Committee to further expedite the processing and approval of contracts for the purchase of humanitarian goods. These measures will accelerate the pace for the delivery of food, medicines, and other supplies that are urgently needed by the people of Iraq.

25. Simultaneously, I am taking steps to ensure that adequate funds are available to the Department of Humanitarian Affairs and United Nations agencies so that the necessary arrangements are completed for the delivery and observation of humanitarian assistance provided for in resolution 986 (1995). Nevertheless, the lack of sufficient funds to meet the start-up costs of the Department and the United Nations agencies has caused delays in the procurement

of equipment and the deployment of personnel to carry out the different tasks stipulated in resolution 986 (1995), the memorandum of understanding and the distribution plan. The amount actually available for operational and administrative expenses has been very limited owing to the staggered receipt of funds and the procedures established for their simultaneous distribution to the subsidiary accounts of the United Nations Iraq account. Arrangements have been established by the Controller to advance funds to help cover start-up costs of the Department and the United Nations agencies. Several agencies have used their own funds to meet these costs.

26. On the basis of contracts approved thus far by the Security Council Committee, only food shipments are expected to reach Iraq during March 1997. That notwithstanding, the Department of Humanitarian Affairs expects to have deployed all its observers by 15 March 1997. WFP and WHO, the agencies responsible for observing the distribution of food and medicine, will also have deployed most of their observers prior to the arrival of shipments. I am confident, therefore, that sufficient observers will have been deployed to observe and report on the delivery and distribution of humanitarian goods for which applications have been submitted to the Security Council Committee. I should also like to draw attention to the fact that pending the distribution of humanitarian goods under resolution 986 (1995), United Nations agencies have continued with the implementation of the Inter-Agency Humanitarian Programme in order to meet the most pressing needs of vulnerable groups throughout Iraq.

27. Taking into consideration the fact that no humanitarian goods, under resolution 986 (1995), have been delivered to date and, in spite of the additional measures being taken to expedite the approval of contracts for humanitarian goods, it appears unlikely that all of the humanitarian goods in the distribution plan will be delivered and distributed within the initial 180 days established by the resolution. The United Nations agencies involved in the implementation of the Programme in the three northern governorates have also raised concerns about the constraints caused by the limited time-frame of the resolution for the proper implementation of their activities. The Council may wish to consider the implications of these constraints for the remaining period of 90 days and for the renewal of the provisions of the resolution in accordance with paragraph 4.

28. The Foreign Minister of Iraq, His Excellency Mr. Mohammed Said Al-Sahaf, who met with me on 5 March 1997, reaffirmed his Government's commitment to cooperate with the United Nations in implementing all provisions of resolution 986 (1995) and the memorandum of understanding. At the same time, the Foreign Minister of Iraq conveyed to me his Government's serious concern that, under the present circumstances, it would not be in a position to arrange for the simultaneous distribution of all food items as envisaged in the distribution plan.

29. I shall keep the Council fully informed of the progress achieved in the implementation of resolution 986 (1995).

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LETTER DATED 10 MARCH 1997 FROM THE CHARGÉ D'AFFAIRES A.I. OF THE PERMANENT MISSION OF ZAIRE TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

On instructions from my Government, I have the honour to transmit herewith the text of a memorandum that the Government of the Republic of Zaire gave Ambassador Mohammed Sahnoun, the joint United Nations/Organization of African Unity Special Representative for the Great Lakes region, during his first visit to Kinshasa on 17 February 1997 (see annex).

I should be grateful if you would have this letter and its annex circulated as a document of the Security Council.

(Signed) Khabouji N'zaji LUKABU
Chargé d'affaires a.i.
Minister Plenipotentiary
Deputy Permanent Representative

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Annex

Memorandum dated 17 February 1997 from the Deputy Prime Minister of Zaire addressed to the joint United Nations/Organization of African Unity Special Representative for the Great Lakes region

I. INTRODUCTION

1. The Government of Zaire is pleased to welcome you to the Republic of Zaire. It was delighted to learn of your appointment as joint United Nations/Organization of African Unity Special Representative for the Great Lakes region.

2. The Government of Zaire attaches great importance to your mission; first, because of the scope and complexity of the crisis in the Great Lakes region and, secondly, because this is the first time that the United Nations and the Organization for African Unity (OAU) have entrusted one person, representing the two organizations, with the responsibility of solving such a crisis.

3. As the President of Zaire informed you during your meeting with him in Gbadolite on Saturday, 15 February 1997, and as the Zairian Government also believes, if you perform your duties well, you may count on his full cooperation.

4. All that the Republic of Zaire, a State Member of the United Nations and a member of OAU, and a victim of unjustified and unprovoked aggression, is asking is that its case be treated fairly and equitably, in an objective and impartial manner, and without discrimination.

5. The Republic of Zaire is currently in transition because representatives of all the active political parties of the country, the entire political class and all the provinces met at the Sovereign National Conference, held in Kinshasa in 1991-1992, to reread Zairian history and draw lessons from it in order better to forge and direct their common future. No one was expressly excluded from this assembly of delegates of the Zairian people. At the end of the deliberations, they were all convinced that it was necessary to break with the country's old political order and establish a democratic State governed by the rule of law.

6. That was how the transitional institutional order was established; its main purpose is to indicate the way to the Third Republic by creating attitudes consistent with the democratic imperative of a State governed by rule of law, by instituting major political, economic, social, legal and cultural reforms with a view to creating an environment conducive to the establishment of a democratic State governed by the rule of law and by holding free, transparent and democratic elections from which no one would be excluded. Such elections would provide the Third Republic with leaders vested with political legitimacy.

7. This year, the long transition period will end with the holding of general elections throughout the entire territory of Zaire. The elections will be preceded by the adoption by referendum of the new Constitution on which national consensus has already been reached. The solution of the crisis in eastern Zaire

and the restoration of Zaire's authority over the provinces that have been subject to aggression is an indispensable condition for any solution to the crisis in the Great Lakes region.

II. MISSION OF THE JOINT UNITED NATIONS/ORGANIZATION OF AFRICAN UNITY SPECIAL REPRESENTATIVE FOR THE GREAT LAKES REGION

8. The Zairian Government has been informed of the tasks of the joint United Nations/OAU Special Representative. The Special Representative has a threefold mission:

(a) To promote, through his good offices, a political settlement of the various conflicts in the region by concentrating - from the outset - principally on eastern Zaire and Burundi;

(b) To prepare an international conference on peace, security and development in the region;

(c) To use his good offices to help preserve Zaire's unity and territorial integrity.

9. In this regard, the Zairian Government should like to state the following:

- It is necessary to specify, for the Government's information, the parties towards which the Special Representative's good offices will be directed and which will be involved in the peaceful settlement, and to define the nature of the conflicts.

For Zaire, recognition of persons whom neighbouring aggressor-countries have armed against it is out of the question. Further, the conflicts in the Great Lakes region should not be limited to Zaire and Burundi alone. There is a serious Tutsi-Hutu crisis in Rwanda, which is at the root of all the upheaval currently taking place in the region, and there is another serious conflict between the Ugandan Government and its internal armed opposition, a conflict that has been used as a pretext for attacking Zaire.

These are the conflicts that have given rise to the crisis in eastern Zaire. The Tutsi-Hutu conflict in Rwanda and Burundi and the Hima-Baganda conflict in Uganda, which are essentially Tutsi-Bantu conflicts, have been exported to Zairian territory, even though the Republic of Zaire, where there are more than 450 tribes, has not experienced this problem.

As long as a just and lasting solution to these conflicts is not found, it will be difficult to restore peace and stability in the Great Lakes region.

- The Republic of Zaire has always advocated the idea of an international conference on the crisis in the Great Lakes region, which should take an integrated approach to the protection of refugees and the provision of the assistance necessary for their reintegration into society; aid to the host country and country of origin; rehabilitation and reconstruction; border security; good-neighbourliness; movement of people and goods; and regional

development, as well as the issues that are at the root of the cyclical mass exodus of refugees from Rwanda and Burundi.

Although everyone accepted this idea in September 1994, the United Nations Secretariat rejected it because the Government of Rwanda, fearing that Rwandan refugees would be given an opportunity to participate in such a conference, was opposed to it.

It is gratifying that the Security Council is today reconsidering this idea. However, Zaire believes that the complete success of the conference will depend on:

(a) The prior withdrawal of all foreign troops from Zairian territory;

(b) The non-negotiability of questions relating to Zaire's internal politics and national sovereignty, which include territorial integrity, the inviolability of frontiers, and nationality;

(c) The meticulous preparation of the conference;

(d) A clear statement, from the outset, of all objectives in order to avoid any ambiguities that might adversely affect peace and security in the region.

For this reason in-depth consultations, or further consultations, if one recalls the initiative of Ambassador Jesus, with all the States of the region are absolutely necessary.

Following this round of consultations, the Special Representative could submit an outline of his plan to those States for comment.

The Zairian Government also believes that, in the light of the statement by the President of the Security Council issued on 7 February 1997 (S/PRST/1997/5), the sequence of events should be as follows:

(a) Submission of the Special Representative's report containing an initial evaluation of his visit to the region;

(b) Meeting of the Security Council to consider Zaire's complaint and any follow-up to the statement by the President of the Council of 7 February 1997 in the light of the Special Representative's report;

(c) Adoption of an official resolution:

(i) Condemning the attack on Zaire;

(ii) Calling for the cessation of hostilities and the immediate withdrawal of all foreign troops, including mercenaries, from Zairian territory;

(iii) Establishing mechanisms for monitoring the withdrawal of foreign troops and implementation of the resolution;

(iv) Reaffirming the territorial integrity and inviolability of the internationally recognized borders of Zaire and other States of the region;

(v) Identifying ways and means of ensuring that the aggressor countries respect the cardinal principles set forth above;

(vi) Ordering the cessation of cross-border incursions;

(vii) Guaranteeing that refugees and displaced persons will be protected;

(viii) Determining the compensation owed to Zaire for the damages occasioned by the massive, unprecedented and extended presence of Rwandan refugees in Zairian territory, the acts of aggression against Zaire, the attempts made on the lives and physical integrity of members of the Zairian Camp Security Contingent, many of whom were killed and others mutilated in the wake of the attacks on the refugee camps carried out by the regular armies of Rwanda, Uganda and Burundi;

(ix) Arranging for the unconditional repatriation of all Rwandan and Burundian refugees, including former members of the Rwandan armed forces and militias;

(x) Demanding that a peaceful solution be found to the inter-ethnic conflicts which are ravaging Uganda, Rwanda and Burundi;

(xi) Imposing a military embargo on Uganda, Rwanda and Burundi, whose expansionist aims and bellicose tendencies have been amply demonstrated during the crisis in the Great Lakes region.

The Zairian Government is convinced that such a resolution would bring together all the elements needed to ensure the success of an international conference on peace, stability, cooperation and development in the Great Lakes region while allowing the Zairian Government to hold free, transparent and democratic general elections throughout the country in 1997. These elections would be open to all Zairians having political aspirations who met the necessary electoral criteria.

The Zairian Government thus sees the elections as a peaceful means of acceding to power that precludes any use of violence.

Furthermore, and in anticipation of the ending of the war in eastern Zaire, the Zairian Government is committed to the holding of a constitutional referendum in the conviction that the adoption of a new constitution, under which the Third Republic would be a democratic State ruled by law, expresses the will of the Zairian people to make a qualitative leap from the old regime to the new.

The Government hopes that its bilateral and multilateral partners will fully appreciate the importance of this leap and revitalize cooperation with Zaire and lift the embargo affecting such cooperation since 1993.

It is indeed unfair that Zaire should be subject to an embargo even as its attackers have been authorized to purchase weapons to attack it with, as though Zaire were responsible for the flow of Rwandan Hutu refugees, including former members of the Rwandan armed forces and the Interahamwe, into Zairian territory in July 1994.

III. ELECTIONS IN ZAIRE

10. The Zairian Government has noted with satisfaction the decision of the Secretary-General of the United Nations to appoint Mr. Lansana Kouyate as his Special Representative to monitor the electoral process in Zaire.

11. The appointment of Mr. Kouyate, to which the Zairian Government agreed at the request of the Secretary-General, means that the Special Representative of the Secretary-General of the United Nations and the Secretary-General of the Organization of African Unity will no longer have specific responsibility for the elections in Zaire.

12. While acknowledging that the Zairian elections provide an answer to certain pseudo-problems raised by Zaire's attackers and that the joint Special Representative can cite the argument of elections to counter certain parties dealing with him who seek, by means of Zairian fronts, to destabilize the country, which has already initiated a process of change in response to the wish of the National Sovereign Conference, the elections are nevertheless an internal affair of Zaire's with which Uganda, Rwanda and Burundi have nothing to do. For this reason both Zaire and the European Union have approached the Secretary-General of the United Nations to ensure that the crisis in the Great Lakes region is treated separately from the question of elections in Zaire.

13. In the light of the agreement reached on this point by the Secretary-General of the United Nations and Prime Minister Kengo wa Dondo, the Zairian Government would find it incomprehensible that the monitoring of the elections in Zaire should be entrusted to someone other than the designated special envoy.

(Signed) Gérard KAMANDA wa KAMANDA
Deputy Prime Minister
Minister for Foreign Affairs

UNITED NATIONS **S**

Security Council

Distr.
GENERAL

S/1997/208
10 March 1997
ENGLISH
ORIGINAL: FRENCH

LETTER DATED 10 MARCH 1997 FROM THE PERMANENT REPRESENTATIVE OF MOROCCO TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to transmit to you herewith a letter dated 10 March 1997 relating to the report of the Secretary-General on the situation concerning Western Sahara (S/1997/166). I should be grateful if you would have the letter distributed to the members of the Security Council and issued as a document of the Council.

(Signed) Ahmed SNOUSSI
Ambassador
Permanent Representative

97-06479 (E) 110397 110397

Annex

We have read the report on the situation concerning Western Sahara (S/1997/166) very carefully and should like to convey the comments and concerns of the Kingdom of Morocco with regard to that document.

I. THE QUESTION OF IDENTIFICATION

Morocco considers it regrettable that the 27 February 1997 report (S/1997/166) limits itself to stating that the identification process stalled late in 1995, without mentioning the main reason for that situation, which was described clearly in the report submitted to the Security Council on 24 November 1995 (S/1997/986).

The fact is that, according to paragraph 2 of the earlier report, "the basic obstacle to continuing and completing the identification process relates to certain tribal groups and to persons not resident in the Territory, in whose identification the Frente Polisario para la Liberación de Saguia el-Hamra y de Río de Oro (Frente POLISARIO) does not agree to participate and, in many instances, has no sheikh, or alternate, to propose".

To reflect that fact, future reports should recall why the identification process stalled, so as to make clear what responsibility should be attributed to each side.

In his latest report, the Secretary-General also states that "the conditions posed by the two sides for further identification are incompatible" (S/1997/166, para. 4).

The Kingdom of Morocco has done its utmost to help bring the referendum process to an early conclusion and has always cooperated unreservedly. It has never posed any conditions for the continuation or resumption of the identification process and it would be unfair to accuse it of having done so.

Morocco's position, which is to defend the right of any person to take part in the referendum process who can prove that he or she belongs to Western Sahara, coincides fully with that of the United Nations, as reflected in many of the Secretary-General's reports, including that of 24 November 1995 which states that "the United Nations Mission for the Referendum in Western Sahara (MINURSO) had an obligation to consider all applications which had been correctly submitted" (S/1995/986, para. 3).

The other party is opposed to that right and has made its participation in the identification process subject to two conditions which are contrary to the spirit and the letter of the settlement plan.

That party is trying to restrict the right of Saharans to participate in the referendum by limiting that right to persons whose names appear in the Spanish census of 1974, a census whose omissions and flaws have been acknowledged by all forums, including the 1990 conference of tribal leaders.

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That party has also posed the condition that the lists of persons found eligible to vote by the Identification Commission should be made available. This is contrary to the provisions of the settlement plan, which stipulates clearly that such lists should be made available only at the end of the identification process and after they have been approved by the Secretary-General.

Paragraph 4 of the report of 27 February 1997 states that the number of persons identified by the time the identification process stalled "corresponds to the number of persons estimated to have survived since 1974, when the Spanish colonial authorities conducted a census indicating that 73,497 Saharans resided in the Territory".

Linking these figures could create misunderstandings. The Identification Commission has, in fact, received a certain number of applications, 233,487 of which have been processed (176,533 in the Territory on the Moroccan side, 42,468 in the camps at Tindouf and 14,486 in Mauritania), as can be seen from the Secretary-General's report of 24 November 1995 (S/1995/986). Other applications have still to be processed.

II. THE SECRETARY-GENERAL'S CONCLUSIONS AND RECOMMENDATIONS

The report indicates that the Secretary-General is reviewing a number of questions in an attempt to overcome the stalemate. Those questions include the possibility of making adjustments to the settlement plan.

The Kingdom of Morocco has affirmed repeatedly its attachment to full implementation of the settlement plan. It considers that the drafting of the plan was a long and arduous process and that altering it, which would necessarily entail altering all the implementing measures adopted by the different organs involved in the process, could prove to be an even longer and more complex process.

While Morocco remains committed to the settlement plan, the other party is doing its utmost to delay the referendum process and even prevent it from taking place.

Morocco has called repeatedly on the Security Council to fulfil its responsibilities by forcing the recalcitrant party to abide by the settlement plan, which was the outcome of intense negotiations and considerable effort. It would like to reiterate that call, so that the international community might take the necessary action and thereby end the suffering endured daily by fellow Moroccans in the camps at Tindouf.

Morocco considers that the international community, as represented by the Security Council, endorsed a plan for the settlement of the question of Western Sahara and that it should take the necessary action to impose its wishes, by ensuring the resumption and completion of the referendum process.

UNITED
NATIONS

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Security Council

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GENERAL

S/1997/209
10 March 1997
ENGLISH
ORIGINAL: RUSSIAN

LETTER DATED 10 MARCH 1997 FROM THE PERMANENT REPRESENTATIVE OF THE RUSSIAN FEDERATION TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

As the representative of the State that arranged the meeting, I have the honour to transmit herewith the texts of the joint statement by the delegation of the Government of the Republic of Tajikistan and the delegation of the United Tajik Opposition on the outcome of the round of the inter-Tajik talks held in Moscow from 26 February to 8 March 1997 and the Protocol on Military Issues (see annexes).

I should be grateful if you would have the text of this letter and its annexes circulated as a document of the Security Council.

(Signed) S. LAVROV

Annex I

JOINT STATEMENT BY THE DELEGATION OF THE GOVERNMENT OF THE REPUBLIC OF TAJIKISTAN AND THE DELEGATION OF THE UNITED TAJIK OPPOSITION ON THE OUTCOME OF THE ROUND OF THE INTER-TAJIK TALKS HELD IN MOSCOW FROM 26 FEBRUARY TO 8 MARCH 1997

The round of the inter-Tajik talks held under the auspices of the United Nations took place from 26 February to 8 March 1997. The delegation of the Government of the Republic of Tajikistan was headed by the Minister for Foreign Affairs, Talbak Nazarov, and the delegation of the United Tajik Opposition by the First Deputy Leader of the United Tajik Opposition, Hodja Akbar Turajonzodah. The Special Representative of the Secretary-General of the United Nations, Gerd Dietrich Merrem, served as intermediary during the talks. Observers from the Islamic State of Afghanistan, the Islamic Republic of Iran, the Republic of Kazakstan, the Kyrgyz Republic, the Islamic Republic of Pakistan, the Russian Federation, Turkmenistan, the Republic of Uzbekistan and the Organization for Security and Cooperation in Europe (OSCE) were present at the talk.

There was a discussion of the military problems related to the reintegration, disarmament and disbandment of the armed units of the United Tajik Opposition as well as the reform of the governmental power structures of the Republic of Tajikistan. The discussion of this group of complicated issues, which are of vital importance for promoting the process of national reconciliation, constituted an important step in enhancing mutual trust. The signing of the Protocol on Military Issues that took place was a further important step on the path towards the successful completion of the inter-Tajik political dialogue.

The sides decided to hold the next round of talks beginning on 9 April 1997 in Tehran, in accordance with the kind invitation by the Government of the Islamic Republic of Iran.

The sides express their profound gratitude to the Government of the Russian Federation for its hospitality and assistance in organizing and holding the talks in Moscow. They also express their gratitude to the representatives of the observer countries and international organizations for their assistance and support during the talks.

The delegations of the Government of the Republic of Tajikistan and the United Tajik Opposition express their sincere appreciation to the Special Representative of the Secretary-General and the staff of his mission for their efforts in achieving progress at the talks.

(Signed) T. NAZAROV
Head of the delegation of the
Government of the Republic
of Tajikistan

(Signed) A. TURAJONZODAH
Head of the delegation of the
United Tajik Opposition

(Signed) G. MERREM
Special Representative
of the Secretary-General
of the United Nations

Annex II

PROTOCOL ON MILITARY ISSUES

In order to achieve peace and national reconciliation and form unified national armed forces and in accordance with the Protocol on the Basic Principles for Establishing Peace and National Accord in Tajikistan of 17 August 1995, the Moscow Agreements and Protocol of 23 December 1996 and the Statute of the Commission on National Reconciliation of 21 February 1997, the delegations of the Government of the Republic of Tajikistan and the United Tajik Opposition (hereinafter referred to as the Parties) have agreed on the following fundamental military issues:

I. GENERAL PROVISIONS

1. The reintegration, disarmament and disbandment of the armed units of the United Tajik Opposition as well as the reform of the governmental power structures of the Republic of Tajikistan shall be carried out during the transition period by the President of the Republic of Tajikistan and the Commission on National Reconciliation in close cooperation with the United Nations Mission of Observers in Tajikistan (UNMOT) and in accordance with the timetable set forth in paragraphs 5, 9 and 11 of this Protocol.

2. The practical implementation of the provisions of this Protocol shall be carried out by a subcommission on military issues of the Commission on National Reconciliation and also by a joint central review board established on the basis of parity.

3. The Government and the United Tajik Opposition shall exchange the necessary information concerning the reintegration of the Opposition's military units and the reform of the power structures of the Government of the Republic of Tajikistan.

4. Armed units which are not included in the information provided by the Parties shall be obliged to make themselves known to the subcommission on military issues of the Commission on National Reconciliation and provide it with the necessary information within two months from the date on which the Commission begins work. Armed units which do not cooperate in carrying out the provisions of this Protocol shall be considered illegal and shall be subject to forcible disarmament.

II. THE REINTEGRATION, DISARMAMENT AND DISBANDMENT OF THE ARMED UNITS OF THE UNITED TAJIK OPPOSITION

5. The reintegration, disarmament and disbandment of the armed units of the United Tajik Opposition shall be carried out in stages.

(a) During the first stage, the United Tajik Opposition shall assemble its armed units in the assembly points agreed upon by the Parties in the Vanj, Garm,

Jirgatal, Komsomolabad, Kofaringan, Rushan, Tavildara and Tajikabad districts and the towns of Khorog and Magmurud in the Lenin district, where personnel shall be registered and counted and given medical examinations. At the assembly points, an inventory shall be taken of weapons, military equipment and ammunition, which shall be stored in separate, securely guarded premises. This stage shall be carried out within two months of the date on which the Commission on National Reconciliation begins its work.

(b) During this stage, the armed units of the United Tajik Opposition situated in the territory of the Islamic State of Afghanistan, shall be transferred in stages to the territory of Tajikistan to previously determined assembly points from among those specified above through the Ishkashim and Nizhny Pyanj passage points. The armed units of the United Tajik Opposition shall cross the border without weapons or ammunition. With the consent of the Afghan authorities, the subcommission on military issues of the Commission on National Reconciliation and UNMOT shall travel to the Islamic State of Afghanistan and draw up a register of the weapons and ammunition. The collective peacekeeping forces of the Commonwealth of Independent States (CIS) shall, under the supervision of UNMOT, accompany the personnel, weapons and ammunition to the assembly points, where the weapons and ammunition on the register shall be stored in separate, guarded premises. The base camps and training centres of the armed units of the United Tajik Opposition situated outside Tajikistan shall be dismantled and closed simultaneously with the transfer of the units referred to to the assembly points in the territory of Tajikistan.

(c) During the second stage, no later than one month after the assembling of the armed units of the United Tajik Opposition in the assembly points has been completed, those units shall be made into corresponding units of the regular armed forces of Tajikistan. They shall take the military oath and shall be given new uniforms, be assigned to the corresponding governmental power structures of Tajikistan in separate units and be subordinated to the corresponding chain of command. The relevant laws and military regulations of Tajikistan shall apply to them.

The leadership of the United Tajik Opposition shall publicly announce the disbandment of its armed units.

(d) During the third stage, the Joint Review Board shall certify the personnel of the reintegrated units of the United Tajik Opposition, determining, on an individual basis, fitness for further military service and the nature of such service and shall also make recommendations for appointments to command positions. Persons who do not express the wish to continue service or who are found unfit for service for reasons of health or found to be incompetent and persons having a criminal record prior to May 1992 shall be demobilized and returned to civilian life.

(e) The measures provided for in the first, second and third stages of the reintegration of the armed units of the United Tajik Opposition into the power structures of the Government of Tajikistan shall be carried out within six months of the date on which the Commission on National Reconciliation begins its work.

(f) In the fourth stage of reintegration, the former units of the United Tajik Opposition will be completely merged with the governmental power structures. This process must be fully completed by the end of the transition period, i.e. before 1 July 1998.

6. The reintegrated units of the United Tajik Opposition shall be sent to their places of permanent assignment and quartered in separate barracks. A separate unit, the strength of which shall be determined by the President of Tajikistan and the United Tajik Opposition, shall be stationed in Dushanbe a week before the Commission on National Reconciliation begins its work.

7. Former members of the governmental power structures who were compelled to quit their posts because of the civil conflict and have expressed the wish to continue their service shall on the recommendation of the Joint Review Board be reinstated into their former or equivalent positions.

8. Persons who were members of the armed units of the United Tajik Opposition and have expressed the wish to receive military training shall be afforded equally with other nationals of Tajikistan the possibility of attending the relevant training institutions.

III. REFORM OF THE POWER STRUCTURES OF THE GOVERNMENT OF TAJIKISTAN

9. The reform of the power structures of the Government of Tajikistan shall take place on the basis of a re-evaluation of the personnel, including command personnel. This shall be conducted by the Joint Central Review Board within six months from the time when the Commission on National Reconciliation begins its work.

10. The Joint Central Review Board shall take its decisions on assignment to reserve status and reintegration into civilian life on the basis of three criteria: state of health, record of convictions prior to May 1992 and acknowledged professional unfitness.

11. Units formed by local authorities during the civil conflict (as civil defence forces, guard units, unsupervised formations, etc.) shall be disbanded within six months from the time when the Commission on National Reconciliation begins its work, and the formation of new units shall be halted. Persons expressing the wish to continue their service shall be integrated into the power structures of the Government of Tajikistan in accordance with the principles and procedures specified in paragraph 5 of the present Protocol. Members of these units not expressing the desire to continue their service, possessing a record of convictions prior to May 1992 or unfit for service on grounds of health shall be disarmed and reintegrated into civilian life.

IV. CONFIDENCE-BUILDING MEASURES

12. While the measures provided for in the present Protocol are being implemented, the Government of Tajikistan and the United Tajik Opposition shall

comply strictly with the provisions of the Tehran agreement and prevent any attempts to destabilize the situation in Tajikistan. At all stages of the reintegration of the armed formations of the United Tajik Opposition and the reform of the governmental power structures, joint measures shall be taken to combat crime in the country. For purposes of building mutual trust during the first, second and third stages of reintegration, constant contacts shall be established and maintained at the level of unit commanders, contacts among personnel shall be organized and special measures for joint training shall be conducted.

V. THE ROLE OF INTERNATIONAL ORGANIZATIONS

13. In order to ensure the full and effective implementation of the provisions of the present Protocol, the Parties request the United Nations, through its Observer Mission in Tajikistan, to monitor the process of implementation of the agreements indicated above, and to provide expert advisory assistance and good offices at all the stages specified in the present Protocol.

T. Nazarov
Head of the delegation of the
Government of Tajikistan

A. Turajonzodah
Head of the delegation of the
United Tajik Opposition

G. Merrem
Special Representative of the
Secretary-General of the
United Nations

UNITED NATIONS **S**

Security Council

Distr.
GENERAL

S/1997/210
11 March 1997
ENGLISH
ORIGINAL: ARABIC

LETTER DATED 10 MARCH 1997 FROM THE PERMANENT REPRESENTATIVE OF IRAQ TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

On instructions from my Government, I have the honour to inform you that at 1200 hours on 5 March 1997 United States forces on station in the Arabian Gulf boarded the Iraqi vessel Al-Bakr while it was engaged in maintenance work on light-beacon buoys inside Iraqi territorial waters near Mina' al-Bakr and searched it over a half-hour period.

I request your intervention with the United States of America with a view to inducing it to desist from acts of provocation that are incompatible with the Charter of the United Nations and international law inasmuch as they are in flagrant violation of the sovereignty of a State Member of the United Nations. They have the effect of creating a state of tension and instability in the region instead of promoting its security, and they are entirely unwarranted. In accordance with the principle of State responsibility, I also affirm the legally established right of the Republic of Iraq to seek compensation for the damage caused by these acts of aggression.

I should be grateful if you would have this letter circulated as a document of the Security Council.

(Signed) Nizar HAMDOON
Ambassador
Permanent Representative

97-06634 (E) 120397 120397

UNITED NATIONS **A S**

General Assembly
Security Council

Distr.
GENERAL

A/52/89
S/1997/211
11 March 1997

ORIGINAL: ENGLISH

GENERAL ASSEMBLY
Fifty-second session
Item 59 of the preliminary list*
QUESTION OF EQUITABLE REPRESENTATION ON AND INCREASE IN THE MEMBERSHIP OF THE SECURITY COUNCIL AND RELATED MATTERS

SECURITY COUNCIL
Fifty-second year

Letter dated 4 March 1997 from the Permanent Representative of Mongolia to the United Nations addressed to the Secretary-General

I have the honour to bring to your attention the position of the Government of Mongolia concerning some questions of equitable representation on and increase in the membership of the Security Council and related matters.

I should be grateful if you would have the present letter and its annex distributed as a document of the General Assembly, under item 59 of the preliminary list, and of the Security Council.

(Signed) Jargalsaikhany ENKHSAIKHAN
Ambassador
Permanent Representative

* A/52/50.

97-06565 (E) 110397

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ANNEX

Position of the Government of Mongolia concerning some questions of equitable representation on and increase in the membership of the Security Council and related matters

The principled position of the Government of Mongolia on the question of equitable representation on and increase in the membership of the Security Council is well known. It has been expressed on a number of occasions by its representatives and is reflected in the official reply of the Mongolian Government, contained in document A/48/264/Add.3.

The negotiations that have been held on these questions at the United Nations, especially within the framework of the open-ended working group on this issue, have shown that Mongolia's position coincides with that of the vast majority of States Members of the United Nations.

These negotiations have also shown that matters other than those relating to equitable representation on and increase in the membership of the Security Council merit no less attention than the question of membership.

The Government of Mongolia believes that fuller participation by States Members of the United Nations that are not members of the Council (non-members of the Council) in the latter's proceedings should be encouraged, especially in the discussion of questions brought before the Council that affect the specific interests of those States. This would be in line with the spirit of the democratization process and of increased transparency in the functioning of the principal organs of the United Nations in general, and of the Security Council in particular. It would enhance the effectiveness of the Council and promote just and lasting solutions to the questions tackled by the Council. In this regard, the Government of Mongolia fully supports the proposal to interpret Article 31 of the Charter of the United Nations to mean that the notion "discussion" includes informal consultations, where, as a rule, most of the substantive discussions take place (see A/50/47/Add.1, annex X).

Furthermore, Mongolia believes that fuller participation in the proceedings of the Council by non-members whose interests are being affected should not be limited to making formal statements or to participating in informal consultations, however important they may be. Participation by non-members of the Council should be enhanced even in formal meetings, where official records are kept and where decisions on procedural issues could influence the debate and thus the consideration of draft resolutions and decisions.

Thus non-members should be entitled to participate to a fuller extent, without a vote, in the proceedings of the Council when it is considering issues that specifically affect the interests of those States. That participation could cover the inclusion or non-inclusion of the item on the Council's agenda; the submission of proposals and draft resolutions (so far allowed only with respect to questions considered under Article 32 of the Charter) which may be put to the vote at the request of any Council member; putting questions; making

clarifications; giving replies; proposing substantive or procedural motions for the Council's consideration; putting forward motions concerning the competence of the Council to consider a given question; and having access to all relevant documentation as well as the right to distribute documents relevant to the question under consideration.

Moreover, non-members of the Council should be entitled to participate in the work of the subsidiary organs (commissions and committees) established for consideration of the questions referred to in Articles 31 and 32 of the Charter of the United Nations, as well as in the discussion of their reports by the Council.

Mongolia believes that these changes could be institutionalized by amending the relevant provisions of the provisional rules of procedure of the Security Council without necessarily amending the Charter of the United Nations.

UNITED
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General Assembly
Security Council

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GENERAL

A/51/827
S/1997/212
11 March 1997

ORIGINAL: ENGLISH

GENERAL ASSEMBLY
Fifty-first session
Agenda items 33, 35 and 85
THE SITUATION IN THE MIDDLE EAST
QUESTION OF PALESTINE
REPORT OF THE SPECIAL COMMITTEE TO INVESTIGATE ISRAELI PRACTICES AFFECTING THE HUMAN RIGHTS OF THE PALESTINIAN PEOPLE AND OTHER ARABS OF THE OCCUPIED TERRITORIES

SECURITY COUNCIL
Fifty-second year

Letter dated 10 March 1997 from the Permanent Representative of Guyana to the United Nations addressed to the Secretary-General

I have the honour to transmit a copy of the statement issued by the Government of Guyana on 7 March 1997 in response to the announcement by the Government of Israel on 26 February 1997 that another housing settlement would be established in East Jerusalem.

I should be grateful if you would have the text of the present letter and the attached statement circulated as a document of the General Assembly under agenda items 33, 35 and 85 and of the Security Council.

(Signed) S. R. INSANALLY
Ambassador
Permanent Representative

97-06616 (E) 110397

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Annex

STATEMENT ISSUED BY THE GOVERNMENT OF GUYANA ON 7 MARCH 1997

The Government of Guyana is concerned by the disquiet in the Middle East owing to the decision by the Government of Israel on 26 February 1997 to establish another housing settlement in East Jerusalem. Such inflammatory acts which violate resolutions of the United Nations General Assembly and Security Council and repudiate the inalienable rights of the Palestinian people cannot be condoned.

The imminent talks on the final status of Jerusalem should not be undermined by an atmosphere of distrust. These talks offer another opportunity to advance the peace process which has been started with the cooperation of the parties. All issues should be resolved through dialogue and full commitment to the peace accords that were signed after painstaking negotiations.

We reiterate our call for peace in the Middle East and we urge the Government of Israel and the Palestinian Authority to work together for its early achievement.

UNITED NATIONS **S**

Security Council

Distr.
GENERAL

S/1997/213
11 March 1997

ORIGINAL: ENGLISH

LETTER DATED 11 MARCH 1997 FROM THE CHAIRMAN OF THE SECURITY COUNCIL COMMITTEE ESTABLISHED BY RESOLUTION 661 (1990) CONCERNING THE SITUATION BETWEEN IRAQ AND KUWAIT ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to transmit herewith the report of the Security Council Committee established by resolution 661 (1990) concerning the situation between Iraq and Kuwait pursuant to paragraph 12 of Security Council resolution 986 (1995). The report, covering the Committee's activities in relation to the implementation of resolution 986 (1995) during the first 90 days after the date of entry into force of paragraph 1 of that resolution, was adopted by the Committee on 11 March 1997.

(Signed) António MONTEIRO
Chairman
Security Council Committee established by resolution 661 (1990) concerning the situation between Iraq and Kuwait

97-06640 (E) 110397

Annex

Report of the Security Council Committee established by resolution 661 (1990) concerning the situation between Iraq and Kuwait on the implementation of the arrangements in paragraphs 1, 2, 6, 8, 9 and 10 of resolution 986 (1995)

I. INTRODUCTION

1. The present report is submitted to the Security Council pursuant to paragraph 12 of resolution 986 (1995), by which the Committee is requested to report to the Council 90 days after the date of entry into force of paragraph 1 of resolution 986 (1995) on the implementation of the arrangements in paragraphs 1, 2, 6, 8, 9 and 10 of the resolution.

2. As called for by resolution 986 (1995), the Committee developed, in close coordination with the Secretary-General, expedited procedures as necessary to implement the arrangements in the paragraphs referred to above. At its 142nd meeting, held on 8 August 1996, the Committee adopted the procedures to be employed by it in the discharge of its responsibilities as required by paragraph 12 of resolution 986 (1995) (S/1996/636).

3. Paragraph 1 of Security Council resolution 986 (1995) which authorizes States to permit the import of petroleum and petroleum products originating in Iraq came into force at 0001 Eastern Standard Time on 10 December 1996 following the submission on 9 December 1996 of the Secretary-General's report to the President of the Security Council pursuant to paragraph 13 of that resolution (S/1996/1015).

II. EXPORT OF OIL FROM IRAQ

4. In accordance with paragraph 1 of its procedures, the Committee selected on 9 August 1996 four independent experts in international oil trade, appointed subsequently by the Secretary-General as "overseers" at United Nations Headquarters, to assist the Committee in the performance of its duties concerning oil transactions. The overseers have since worked closely with the Iraqi State Oil Marketing Organization (SOMO) on the pricing mechanisms and on addressing unanticipated changes in prices and destinations. Pursuant to paragraphs 5 and 6 of the procedures, SOMO has been submitting pricing mechanisms for sales of petroleum for review by the Committee. The overseers assessed these pricing mechanisms, in particular whether they reflected fair market value, and provided their analysis and recommendations to the Committee. Based upon the positive recommendations of the overseers, on 27 November 1996, the Committee approved the pricing mechanisms for loadings of crude oil in December 1996 under its no-objection procedure. Since then, the Committee has also approved the updated pricing mechanisms for loadings in January, February and March 1997, as well as further adjustments to two of these pricing mechanisms.

5. As of 10 March 1997, a total of 38 contracts have been submitted to the overseers for their review, 37 of which have been approved. Thirty-four contracts employed the pricing mechanisms approved by the Committee and were reviewed and authorized by the overseers in accordance with the Committee's procedures. Three contracts, which did not employ the pricing mechanisms approved by the Committee, were reviewed and approved by the Committee on receipt of the recommendations of the overseers in accordance with paragraph 11 of the Committee's procedures. The total quantity of oil approved for export under these contracts amounts to approximately 51.6 million barrels for the first 90 days at an estimated value of 1.07 billion United States dollars, including the proceeds to cover the pipeline transportation fee.

6. Forty-six loadings, totalling 48.2 million barrels, with an estimated value of US$ 976.9 million, have been completed. About 63 per cent of the liftings have been made at Ceyhan.

7. In addition to term contracts, owing to a sharp decline in prices in February, spot contracts using the approved pricing mechanisms as well as advances of customer liftings from the second to the first quarter were concluded by SOMO, and approved by the overseers, with the intention of achieving the 90-day revenue objective of $1.07 billion.

8. To ensure the effective implementation of the resolution, the overseers have also submitted to the Committee proposals and sought its guidance concerning further streamlining of procedures, including proposals with regard to contract administration and revenue management within the one billion dollar limit for the first 90 days. With the objective of maximizing the revenue for oil delivered through 9 March without exceeding the limit of $1.07 billion, including the pipeline fee, and recognizing the vagaries of the market, the Committee has approved the proposal of the overseers to carry over small revenue shortfalls or surpluses from the first 90-day period to the second.

9. Pursuant to paragraph 14 of the Committee procedures, the overseers have been reporting to the Committee once a week on the contracts considered by them regarding the sale of petroleum originating in Iraq, including the cumulative quantity and approximate value of petroleum authorized for export. To date, 12 such reports have been submitted to the Committee.

10. The export of petroleum from Iraq has proceeded satisfactorily so far in accordance with the provisions of Security Council resolution 986 (1995), the memorandum of understanding concluded between the Secretariat of the United Nations and the Government of Iraq on the implementation of resolution 986 (1995) and the procedures of the Committee. Consultations with, and cooperation of all parties concerned, including SOMO, the national purchasers and the oil monitors of Saybolt, have all contributed to the smooth operation of oil export from Iraq.

III. EXPORT OF HUMANITARIAN SUPPLIES TO IRAQ

11. The Committee has attached priority to the work of processing applications for supplying humanitarian goods to Iraq from the very beginning of the

operation. The speed of processing such applications has been governed by a number of factors, including the availability of funds in the Iraq account. Therefore, the Committee has been able to review a limited number of applications. As of 10 March 1997, 308 applications have been received and 37 have been processed, with the assessment of the experts in the Committee secretariat, under the Committee's no-objection procedures. Fifteen of these applications have been authorized, the value of which totals US$ 153 million. Another 22 applications have been placed on hold.

12. The Special Committee has held a number of informal meetings at the expert level with a view to expediting the processing of humanitarian supplies to Iraq. For that purpose, the Committee, on 5 March 1997, agreed upon the following points of understanding relating to the implementation of resolution 986 (1995):

(a) Unless the Committee decides otherwise on a case-by-case basis, the Secretariat will continue processing applications submitted under resolution 986 (1995) on a first-come-first-served basis;

(b) Funds allocated to applications that have been blocked under the Committee's no-objection procedure will immediately be freed and used for processing further applications. Funds allocated to applications that have been placed on hold will be freed five working days after the date of the no-objection deadline and used for processing further applications. If such blocks and holds are removed, the applications concerned will have immediate priority for the allocation of funds;

(c) A separate status list on applications processed under resolution 986 (1995) will be prepared by the Secretariat and circulated to the members of the Committee on a weekly basis. Such lists will be dealt with in the same way as those prepared under resolution 661 (1990) (blocks recorded on the list will become official when the Committee adopts the lists at one of its formal meetings);

(d) To expedite the processing of humanitarian supplies to Iraq, applications that have been pre-examined by the experts in the Secretariat but have not been processed owing to the lack of funds in the Iraq account will be made available with the experts' comments in advance to the members of the Committee for their pre-screening. These applications will be officially processed once the required funds become available.

13. At the request of the Committee, an orientation programme will be organized by the secretariat of the Committee for the general membership of the United Nations and intergovernmental organizations, which will facilitate the submission of applications for sending humanitarian supplies to Iraq under resolution 986 (1995).

14. The Government of Iraq has requested the Committee to accord priority, as against the Committee's normal practice of processing applications on a first-come-first-served basis, to certain applications for shipping cooking oil, sugar, plastic bags and toilet soap to Iraq under the terms of resolution 986 (1995). The Committee discussed the request at its 150th meeting, on 21 February 1997, and decided to seek the views of the Department of

Humanitarian Affairs on the matter. Though the Department expressed the view in response to the Committee's query that the prioritization request by the Government of Iraq was in keeping with the distribution plan and would expedite the distribution of a complete food basket to the entire Iraqi population, the matter remains to be resolved pending further discussion among the parties concerned.

IV. MATTERS RELATING TO THE KIRKUK-YUMURTALIK PIPELINE

15. Pursuant to paragraph 2 of resolution 986 (1995), the Government of Turkey addressed a letter to the Committee on 14 January 1997 requesting the Committee to take action for the transfer of US$ 46,286,616.44, representing oil transportation costs due to Turkey during the first 90 days of Iraq's oil exportation under that resolution, as agreed upon between the two countries. Upon the recommendation of the overseers, the Committee took note of the pipeline fees as indicated above and expressed general agreement with the payment. However, since the payment modality as envisaged by the Turkish side was not provided for in the existing contract between SOMO and Turkish Petroleum Refineries Corp. (Tupras), the Committee suggested to Turkey to amend the contract accordingly or to conclude a separate contract for the sale of Iraqi oil to cover only the transportation fees. In the view of the Committee, payment of the transportation fees can take place only after proceeds from the sales of oil to cover the above fees have been deposited in the Iraq account, and the deductions for the Compensation Fund have been made. A letter to the above effect has been sent by the Chairman of the Committee to Turkey.

16. Pursuant to paragraph 9 of resolution 986 (1995), Turkey submitted two requests to supply parts and equipment for the Kirkuk-Yumurtalik pipeline system in Iraq, the first request for sending spare parts and equipment to Iraq for immediate repair work of the pipeline deemed essential in the initial stages of the pipeline's operation and the second for shipping other spare parts and equipment with a view to securing the medium- and long-term safety of the pipeline. The Committee considered the requests a number of times. The first request was approved by the Committee on the understanding that the spare parts and equipment would remain in Turkey until they were needed in Iraq. The second request has been deferred but will remain on the Committee's agenda to allow the Committee to have more time to assess the necessity of such spare parts after the initial repair work on the pipeline. Issues pertaining to paragraph 10 of resolution 986 (1995) have not been raised so far in the Committee.

V. OBSERVATIONS

17. In discharging its mandate under resolution 986 (1995), the Special Committee has enjoyed excellent cooperation with Member States and relevant departments in the Secretariat and has followed all the aspects of implementation of resolution 986 (1995). In particular, the Committee has kept in close contact with the Department of Humanitarian Affairs in order to follow its efforts regarding the deployment of observers in Iraq. A close working relationship has also been maintained among the Committee, its secretariat and the Iraqi authorities. This cooperation was crucial in ensuring the smooth

deployment of the independent inspection agents for monitoring the relevant oil installations, as well as of those who will be confirming the arrival in Iraq of humanitarian supplies.

18. The various measures taken or being considered by the Committee and its secretariat should enable the Committee to speed up the processing of applications.

19. The Committee is determined to carry out the tasks entrusted to it by the Security Council in the implementation of resolution 986 (1995). It will continue its efforts to resolve practical difficulties arising from this complex and unprecedented operation.

UNITED NATIONS **S**

Security Council

Distr.
GENERAL

S/1997/214
13 March 1997

ORIGINAL: ENGLISH

LETTER DATED 12 MARCH 1997 FROM THE PFRMANENT REPRESENTATIVE OF ITALY TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

Upon instructions from my Government, and in accordance with Article 35 of the Charter of the United Nations, I have the honour to request you to convene an urgent meeting of the Security Council for the purpose of considering the situation in Albania.

(Signed) F. Paolo FULCI
Ambassador
Permanent Representative

97-06798 (E) 130397

UNITED
NATIONS

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Security Council

Distr.
GENERAL

S/1997/215
13 March 1997

ORIGINAL: ENGLISH

LETTER DATED 13 MARCH 1997 FROM THE PERMANENT REPRESENTATIVE OF ALBANIA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

Upon instructions from my Government, and in accordance with Article 35 of the Charter of the United Nations, I have the honour to request you to convene an urgent meeting of the Security Council for the purpose of considering the situation in Albania.

(Signed) Pellumb KULLA
Ambassador
Permanent Representative

97-06804 (E) 130397

UNITED
NATIONS

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Security Council

Distr.
GENERAL

S/1997/216
13 March 1997
ENGLISH
ORIGINAL: ENGLISH, FRENCH
AND RUSSIAN

Draft resolution

The Security Council,

Recalling all its relevant resolutions and the statements of its President,

Having considered the report of the Secretary-General of 5 March 1997 (S/1997/198),

Reaffirming its commitment to the sovereignty and territorial integrity of the Republic of Tajikistan and to the inviolability of its borders,

Welcoming the agreements signed by the President of Tajikistan and the leader of the United Tajik Opposition (UTO) since December 1996 by which the efforts towards national reconciliation have made important progress and gained strong momentum, noting with satisfaction the personal contribution made in this respect by the President of Tajikistan and the leader of the UTO, with the assistance of the Secretary-General and his Special Representative, and encouraging the parties to continue their efforts to this end,

Welcoming in particular the results of the latest round of inter-Tajik talks held in Moscow from 26 February to 8 March 1997, including the signing of the Protocol on Military Issues (S/1997/209, annexes), which contains agreements on reintegration, disarmament and disbandment of the armed units of the UTO, reforming the power structures of the Republic of Tajikistan and a detailed timetable for their implementation,

Taking note of the requests of the parties, contained in the Statute of the Commission on National Reconciliation (S/1997/169, annex I) and in the Protocol on Military Issues, for the assistance of the United Nations in the full and effective implementation of these agreements,

Gravely concerned over the worsening humanitarian situation in Tajikistan,

Deeply concerned over continuing attacks on the personnel of the United Nations, the Collective Peacekeeping Forces of the Commonwealth of Independent States (CIS) and other international personnel in Tajikistan, and deploring the

deterioration in the security situation which necessitated the Secretary-General's decision to suspend the United Nations activities in Tajikistan, except for a limited presence of the United Nations Mission of Observers in Tajikistan (UNMOT),

1. Expresses its appreciation for the report of the Secretary-General of 5 March 1997;

2. Welcomes the agreements reached by the parties since December 1996, in particular the Protocol on Military Issues, which represents an important new step towards the successful completion of the task of national reconciliation in Tajikistan, and calls upon the parties to honour and implement consistently and in good faith these agreements, as well as to make further substantive progress in the next rounds of the inter-Tajik talks;

3. Expresses its satisfaction that the ceasefire has been generally observed by the parties since December 1996, and calls upon the parties to maintain it scrupulously for the whole duration of the inter-Tajik talks in accordance with their obligations and commitments;

4. Strongly condemns the acts of mistreatment against UNMOT and other international personnel, and urgently calls upon the parties to cooperate in bringing the perpetrators to justice, to ensure the safety and freedom of movement of the personnel of the United Nations, the CIS peacekeeping forces and other international personnel, and to cooperate fully with UNMOT;

5. Calls upon the Government of Tajikistan, in particular, to take further, more rigorous security measures to this end, thus enabling the international community vigorously to support Tajikistan on its difficult path from armed conflict to normal peaceful life;

6. Decides to extend the mandate of UNMOT until 15 June 1997 subject to the proviso that the Tehran Agreement (S/1994/1102, annex I) remains in force and the parties demonstrate their commitment to the agreements already reached, and further decides that this mandate will remain in effect until that date unless the Secretary-General reports to the Council that these conditions have not been met;

7. Welcomes the intention of the Secretary-General to inform the Council of any significant developments with regard to the situation in Tajikistan, in particular of a decision to resume all those United Nations activities presently suspended, including those of UNMOT;

8. Requests the Secretary-General to inform the Council by 30 April 1997 on possible ways and means by which the United Nations could assist in the implementation of the Protocol on Military Issues;

9. Requests the Secretary-General to submit a report on the situation in Tajikistan to the Council no later than 1 June 1997, including recommendations on the United Nations presence in Tajikistan, in particular the manner in which the United Nations can assist in the implementation of the inter-Tajik

agreements, based on the requests by the parties contained in these agreements and in the light of the security situation;

10. Commends the efforts of the Special Representative of the Secretary-General and of the personnel of UNMOT, and calls upon the parties to cooperate fully with the Special Representative of the Secretary-General in conducting the inter-Tajik talks in order to achieve a comprehensive political settlement;

11. Calls upon Member States and others concerned to respond promptly and generously to the consolidated inter-agency donor alert on urgent humanitarian needs for the period from 1 December 1996 to 31 May 1997 launched by the Secretary-General, and to offer support to Tajikistan for rehabilitation, aimed at mitigation of the consequences of the war and reconstruction of its economy;

12. Encourages Member States to contribute to the voluntary fund established by the Secretary-General in accordance with its resolution 968 (1994);

13. Decides to remain actively seized of the matter.

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Security Council

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S/1997/217
13 March 1997
ENGLISH
ORIGINAL: ARABIC

LETTER DATED 12 MARCH 1997 FROM THE PERMANENT REPRESENTATIVE OF IRAQ TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

On instructions from my Government, I have the honour to inform you of an incident that took place on 28 February 1997. At 0100 hours on that day a helicopter from United States frigate No. 40 overflew the Iraqi dredger Al-Najaf at a point inside Iraqi territorial waters 11 kilometres south-east of Ras al-Bishah in the Shatt al-Arab and ordered the master of the dredger to drop anchor. At 0710 hours personnel from the United States frigate in question proceeded to search the dredger, and the search continued until 1020 hours.

I request your intervention with the United States of America with a view to halting and ensuring that there is no recurrence of these unwarranted acts of provocation, which are incompatible with the Charter of the United Nations and international law inasmuch as they are in flagrant violation of the sovereignty of a State Member of the United Nations. In accordance with the principle of State responsibility, I also affirm the legally established right of the Republic of Iraq to seek compensation for the damage caused by these violations.

I should be grateful if you would have this letter circulated as a document of the Security Council.

(Signed) Nizar HAMDOON
Ambassador
Permanent Representative

97-06855 (E) 140397 140397 170397

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Security Council

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S/1997/218
14 March 1997
ENGLISH
ORIGINAL: ARABIC

LETTER DATED 13 MARCH 1997 FROM THE PERMANENT REPRESENTATIVE OF THE LIBYAN ARAB JAMAHIRIYA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to transmit to you herewith a letter dated 12 March 1997 addressed to you by Mr. Omar Mustafa Muntasser, Secretary of the General People's Committee for Foreign Liaison and International Cooperation of the Libyan Arab Jamahiriya.

I should be grateful if you would have the present letter and its annex circulated as a document of the Security Council.

(Signed) Mohammed A. AZWAI
Permanent Representative

97-06987 (E) 140397 140397

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Annex

Letter dated 12 March 1997 from the Secretary of the General People's Committee for Foreign Liaison and International Cooperation addressed to the President of the Security Council

You are no doubt aware of the massive United States propaganda campaign that has been conducted in recent times against the Great Socialist People's Libyan Arab Jamahiriya. That campaign has, however, begun to assume dangerous proportions, and this has prompted me to take the initiative of informing you and the members of the Council of the grave actions the United States Administration is preparing to take against my country.

The United States of America alleges that the Libyan Arab Jamahiriya has built an underground chemical weapons factory in the Tarhunah area, which is a claim that is completely groundless. Numerous guests of the Jamahiriya have visited the area since the enterprise is a part of the Great Man-Made River project.

On 27 February 1997, Jane's Defence Weekly quoted Jonn Kennedy, spokesman for the United States Strategic Command, and Eugene Habiger, Commander of Strategic Forces of the United States Air Force, as saying that the United States had made a nuclear bomb specifically designed for use against underground chemical weapons factories such as that at Tarhunah in Libya.

On 4 March 1997, George J. Tenet, Acting Director of Central Intelligence, stated in his annual report to the United States Senate Intelligence Committee that Libya was among the 20 or so countries attempting to develop nuclear and biological weapons.

On 9 March 1997, The Times newspaper reported that Glyn Davies, spokesman for the United States Department of State, had stated the week before that the United States was more determined than ever to prevent the Tarhunah factory from beginning production. Mr. Davies added that the factory represented a delicate problem, that efforts were again under way to address the problem through the diplomatic channel, and that no one could deflect the United States from taking the measures required to prevent Libya from carrying out its chemical weapons production programme.

In bringing this dangerous attitude on the part of the United States Administration to your attention, the Libyan Arab Jamahiriya wishes to state as follows:

1. The country does not have the technical, physical or human resources to manufacture weapons of mass destruction, since its principal concern is to promote its economic development plan and to mitigate the adverse impact that the coercive measures imposed on our people have had on all aspects of life.

2. The Libyan Arab Jamahiriya has already indicated that it is willing to receive an impartial international commission in a framework that includes

countries of the region in order to inspect all installations allegedly producing weapons of mass destruction.

3. The installations located in the Tarhunah area are part of the Great Man-Made River project, which is an enormous enterprise designed to supply the city of Tripoli and its agricultural environs with fresh water from aquifers deep beneath the Libyan desert. This is a project unique of its kind, and all the delegations that have visited it and seen it have attested to that fact.

4. The Middle East, of which the Jamahiriya is a part, is a region that seeks security and peace and aspires to the development of its peoples. Accordingly, the Libyan Arab Jamahiriya will not alone forsake the consensus established by the peoples of the region, with the exception of the Israelis, who possess weapons of mass destruction and are being helped in acquiring them by the United States.

5. The Libyan Arab Jamahiriya rejects intimidation and escalation with regard to issues of concern to the international community such as the question of weapons of mass destruction. My country has on various occasions in the past urged the elimination of such weapons by means of international agreements, as is indicated by the fact that it has signed the African Nuclear-Weapon-Free Zone Treaty.

The Libyan Arab Jamahiriya urges the Security Council to monitor closely the problems of a region that has long suffered from conflict and warfare. It stands ready to cooperate with the Council in achieving security and peace for the peoples of the region.

In informing you of the foregoing, I express the hope that the members of the Council will take note of the threats made by the United States against my country and that the Council will do all in its power to avert the dangers they represent. I should be grateful if you would have the present letter circulated as a document of the Security Council.

(Signed) Omar Mustafa MUNTASSER
Secretary of the General People's
Committee for Foreign Liaison
and International Cooperation

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S/1997/219
13 March 1997
ENGLISH
ORIGINAL: RUSSIAN

LETTER DATED 13 MARCH 1997 FROM THE PERMANENT REPRESENTATIVE OF AZERBAIJAN TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

Further to my earlier letters (S/1997/147 and S/1997/186), containing statements by the Minister for Foreign Affairs of the Azerbaijani Republic on the strengthening of the military capability of the Republic of Armenia, I have the honour to inform you of the following.

At a press conference on 14 February 1997, Aman Tuleyev, Minister for Cooperation with the Countries of the Commonwealth of Independent States (CIS) of the Russian Federation, referred to illegal deliveries of military equipment, including tanks and armoured vehicles, to Armenia.

Today, 13 March 1997, the ITAR-TASS State news agency indicated that the Russian Minister of Defence, Igor Rodionov, has officially confirmed the delivery of military equipment to Armenia without charge in 1994-1996.

The Chief Military Prosecutor of the Russian Federation, Valentin Panichev, whose office is conducting an investigation into Russian deliveries of military equipment to Armenia, stated, again according to ITAR-TASS, that such deliveries had indeed taken place.

The acquisition by the Republic of Armenia of offensive military equipment demonstrates that the Government of that country has not renounced its aggressive designs, while it continues to occupy 20 per cent of the territory of the Azerbaijani Republic.

Can any reliance be placed on the peaceful statements by the Armenian party while it is systematically arming itself, taking advantage of the ceasefire in force between Azerbaijan and Armenia since 1994?

The Azerbaijani Republic again urges the international community to condemn these aggressive acts by the Republic of Armenia and to take appropriate measures against it, since, if Armenia goes unpunished, it will continue its policy of expansion, threatening peace and security in the region.

I should be grateful if you would have the text of this letter circulated as a document of the Security Council.

(Signed) Eldar KOULIYEV
Permanent Representative

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Security Council

Distr.
GENERAL

S/1997/220
14 March 1997

ORIGINAL: ENGLISH

LETTER DATED 11 MARCH 1997 FROM THE SECRETARY-GENERAL ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to refer to the United Nations Military Observer Group in India and Pakistan (UNMOGIP).

Major-General Alfonso Pessolano (Italy), who has been the Chief Military Observer of UNMOGIP since 16 December 1994, will relinquish his post in March 1997. Following consultations with the parties concerned, it is my intention to appoint Major-General Ahn Choung-Jun of the Republic of Korea as the next Chief Military Observer of UNMOGIP.

I should be grateful if you would bring this matter to the attention of the members of the Security Council.

(Signed) Kofi A. ANNAN

97-06967 (E) 140397 150397

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Security Council

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GENERAL

S/1997/221
14 March 1997

ORIGINAL: ENGLISH

LETTER DATED 14 MARCH 1997 FROM THE PRESIDENT OF THE SECURITY COUNCIL ADDRESSED TO THE SECRETARY-GENERAL

I have the honour to inform you that your letter dated 11 March 1997 (S/1997/220) concerning your intention to appoint Major-General Ahn Choung-Jun of the Republic of Korea as the next Chief Military Observer of the United Nations Military Observer Group in India and Pakistan (UNMOGIP) has been brought to the attention of the members of the Council. They agree with the intention contained in the letter.

(Signed) Zbigniew Maria WLOSOWICZ
President of the Security Council

97-06979 (E) 140397 150397

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General Assembly
Security Council

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GENERAL

A/51/831
S/1997/222
14 March 1997

ORIGINAL: ENGLISH

GENERAL ASSEMBLY
Fifty-first session
Agenda item 58
QUESTION OF CYPRUS

SECURITY COUNCIL
Fifty-second year

Letter dated 12 March 1997 from the Permanent Representative of Turkey to the United Nations addressed to the Secretary-General

I have the honour to transmit herewith a letter dated 12 March 1997, addressed to you by His Excellency Mr. Osman Ertuğ, Representative of the Turkish Republic of Northern Cyprus.

I should be grateful if the text of the present letter would be circulated as a document of the General Assembly, under agenda item 58, and of the Security Council.

(Signed) Hüseyin E. ÇELEM
Ambassador
Permanent Representative

97-07055 (E) 170397

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ANNEX

Letter dated 12 March 1997 from Mr. Osman Ertuğ
addressed to the Secretary-General

Upon instructions from my Government, I have the honour to refer to the letter dated 25 February 1997 addressed to you by the Greek Cypriot representative at the United Nations (A/51/811-S/1997/168), which contains allegations regarding "Violations of the airspace of the Republic".

Since similar allegations were previously refuted in my successive communications, I do not intend to go into them in detail. Suffice it to say that the present Greek Cypriot charges, which are no more credible than those made before, reflect the inability of the Greek Cypriot side to cope with the reality that it is not the sole sovereign authority over the whole island or its airspace.

If the Greek Cypriot administration were indeed concerned about the safety of civil aviation over the island, it would not have interfered with the flight information region over the Turkish Republic of Northern Cyprus on repeated occasions before. Apart from creating confusion on this issue with its baseless propaganda, it is known that physical interference emanating from Southern Cyprus, in the form of transmission of jamming signals on the same frequency used by TRNC Airport Traffic Control, have also occurred, endangering the safety of civilian air traffic within that airspace. These dangerous violations of civil aviation safety were brought to the attention of the United Nations Peacekeeping Force in Cyprus (UNFICYP) and all concerned at the time.

Naturally, the greatest threat to civil aviation over Cyprus as well as the very peace and stability of the region at large ultimately comes from the recent purchase, by the Greek Cypriot administration, of the sophisticated S-300 missile system from the Russian Federation. This purchase is in clear defiance of the latest Security Council resolution on Cyprus, namely resolution 1092 (1996), expressing grave concern over the introduction of sophisticated weaponry into the island. It has also been widely condemned as a new destabilizing element in an ever-escalating build-up of arms by the Greek Cypriot side as part of its "joint defence doctrine" with Greece.

The above ominous development, coupled with the rejection by the Greek Cypriot side of the proposal of the United States of America for a moratorium on military flights over Cyprus, clearly shows which side is engaged in raising tension in the island, instead of choosing the path of constructive dialogue. In this light, the Greek Cypriot side's allegations on the rise of tension in Cyprus appear as a crude attempt to confuse the innocent with the guilty and add insult to injury. I am sure that the members of the international community will give these baseless charges the treatment they deserve, by ignoring them as an example of irresponsible propaganda.

I should be grateful if the text of the present letter could be circulated as a document of the General Assembly, under agenda item 58, and of the Security Council.

(Signed) Osman ERTUĞ
Representative
Turkish Republic of Northern Cyprus

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Security Council

Distr.
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S/1997/223
14 March 1997
ENGLISH
ORIGINAL: ARABIC

LETTER DATED 13 MARCH 1997 FROM THE PERMANENT REPRESENTATIVE OF THE SUDAN TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

1. On instructions from my Government, I have the honour to convey to you some particulars of the situation on the common borders of the Sudan, Uganda and Zaire.

2. It saddens me to have to inform you that - at a time when our country was preparing to participate in the meetings scheduled to be held by the Ministers for Foreign Affairs of the Sudan and Uganda in Antebi on 14 March 1997 in accordance with the Agreement on the normalization of relations between the two countries as transmitted by them to the Council in documents S/1996/738 and A/51/346-S/1996/740 - the Ugandan regime carried out an armed attack on the territory of the Sudan on 9 March 1997 in violation of that Agreement, thus thwarting the Sudan's repeated attempts to establish normal relations with Uganda based on the principle of good-neighbourliness.

3. The attack was directed against the Sudanese town of Kaya, which is located in the salient formed by the Sudan's southern boundary with Uganda and Zaire. The details of the attack are as follows:

(a) The town came under heavy artillery fire from the towns of Liko and Kiri inside Ugandan territory;

(b) At the same time, the Sudanese town of Bazi on the Zairian border came under intensive bombardment from the towns of Umkulu and Ariora in the zone of Ugandan military activity in Zaire;

(c) The shelling was followed by a massive ground attack in which armed helicopters, tanks, armoured personnel carriers and long-range heavy artillery were used. The attack came from two directions: from the Kiri-Liko-Arwa area inside Ugandan territory towards Kaya inside Sudanese territory; and from the Umkulu-Ariora area inside Ugandan territory through Zairian territory towards Bazi inside Sudanese territory;

(d) Ugandan forces also penetrated into Sudanese territory along a third axis from the Ugandan town of Moyo to the Sudanese area of Manqalatory. They

continued towards the Sudanese town of Yei, using tanks and road-construction equipment;

(e) A total of 15,000 persons participated in the attack, members of the Ugandan forces accompanied by a small contingent from the rebel forces, and they were supported by 36 tanks. These forces are still engaged in their hostile and aggressive action inside Sudanese territory as of the present moment.

4. The geographical location of the town of Kaya, the topographical character of the area and the type of weaponry used in the attack confirm in a manner that leaves no room for doubt the obvious fact that the attack was carried out by Ugandan forces. The information available and the military reports received from the field also confirm the involvement of the Ugandan Government. Any attempts by the Ugandan regime to deny its crime and evade responsibility will therefore be refuted by the corroborative evidence in the Sudan's possession. As is obvious, the resources used in the attack surpass the known military capacity of the rebel movement in southern Sudan.

5. The Ugandan aggression gives concrete expression to the successive statements of the Ugandan President concerning his country's decision to resort to warfare in its relations with the Sudan. In a statement made to the Ugandan newspaper New Vision, he called for the separation of the southern Sudan from the north and its establishment as an independent State because of what he has characterized as the oppression by the Arab Muslim north of the Black Christian south. He has also likened the relationship between northern and southern Sudan to the former relationship between Whites and Blacks in South Africa. Furthermore, the Ugandan President has urged that the gang warfare in which the rebel movement in southern Sudan engages should be regarded as the activity of a movement of national liberation against colonialism, and he has done this in order to enable Uganda to provide it with military and other support.

6. These statements made by the Ugandan President have the purpose of provoking hatred, destroying the social fabric of the Sudan and interfering in the Sudan's internal affairs. This represents not only a serious threat to the sovereignty and territorial integrity of the Sudan but also jeopardizes the security and peace of the region and of the African continent as a whole.

7. Information long available to the Government of the Sudan has confirmed the involvement of the Ugandan regime in a scheme to drain the resources of the Sudan that coincides with other attacks by neighbouring countries on eastern Sudan. The Government of the Sudan has nevertheless continued to act judiciously in the face of this abundance of corroborative information, and it has made a sustained effort to give honourable initiatives for continued dialogue between the two countries a chance to succeed with a view to achieving reconciliation and peace. It exercised self-restraint while awaiting the meeting scheduled to be held on 14 March 1997 in Uganda.

8. The Ugandan aggression once again reveals the lack of political will on the part of the Ugandan leadership with regard to the normalization of relations with the Sudan. The persistence of Ugandan aggression against the Sudan confirms the extremes to which the Ugandan Government has gone in targeting the Sudan. It constitutes an extension of the scheme for attacks on the eastern

borders of the Sudan, and it reflects once more the dangerous character of the Ugandan regime's expansionist ambitions in the region.

9. Uganda's interference in the internal affairs of the Sudan and other neighbouring countries, including areas of eastern Zaire, has now become a phenomenon whose dangers grow more evident every day. It must be addressed with the seriousness it deserves, not only in order to preserve the stability of the Sudan but also to promote security and peace in the Great Lakes region and neighbouring regions.

10. In bringing to your attention the facts relating to the situation on the common borders of the Sudan, Uganda and Zaire, I express the hope that the Security Council will perform the functions required of it out of concern for the integrity and stability of the region and the maintenance of international peace and security, as stipulated in the Charter of the United Nations.

11. In closing, I should like to state that the Sudan reserves in full its right to defend its sovereignty, the safety of its citizens and its territorial integrity. I request you to bring the text of this letter to the attention of the members of the Security Council and to have it circulated as a Council document.

(Signed) Elfatih ERWA
Permanent Representative